Single Bench (2)

(4)

CF 1062

HON'BLE S.B.

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (S ) NO. 6111 / 2006**

**PETITIONER:** Gazal Singh,

S/o Shri Kamal Singh, Caste Mahar, Aged about 30 years, R/o Jamawada, P.O. Bademurma, Tehsil Jagdalpur, District Bastar, Chhattisgarh

P.R. No. 6146/06 Presented by Alok Deuremoker dated 6-12-06

**VERSUS**

**RESPONDENTS:**

1. State of Chhattisgarh
   Through the Secretary, Department of Panchayat and Rural Development Government of Chhattisgarh, D.K.S. Bhawan, Mantralaya Raipur, (C.G.)
2. The Chief Executive Officer,
   Janpad Panchayat Jagdalpur,
   District Bastar, (C.G.)
3. Gram Panchayat Jamawada,
   Through Sarpanch, Center Bhadraguda,
   P.O. Bademurma, Block Jagdalpur,
   District Bastar, (C.G.)

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**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT IN THE NATURE OF MANDAMUS, PROHIBTION, CERTIORARI, AND ANY OTHER WRITS, DIRECTIONS OR ORDERS.**

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# HIGH COURT OF CHHATTISGARH AT BILASPUR

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S.B. : Hon'ble Mr. Satish K. Agnihotri, J.

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W. P. (s) No. 6111 of 2006

Petitioner : Gazal Singh

versus

Respondents : State of Chhattisgarh & others

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Shri Alok Dewangan, counsel for the petitioner.

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## O R D E R

(Passed on 8th November, 2006)

1. The petitioner was appointed as Shiksha Karmi Grade-III in the Shiksha Guarantee School Centre, Bhadraguda , Block Jagdalpur, District Bastar by the resolution of the Gram Panchayat, Jamawada, temporarily for a period of one year at the fixed pay scale of Rs. 500/- per month. On completion of one year, the services of the petitioner came to an end.

2. According to learned counsel for the petitioner, service of the petitioner's continued in the next academic session also, but no salary was paid to him. The petitioner has not filed any document in support of his submission that the petitioner continued in the next academic session also. Even the next academic session came to an end on 8.5.1999. Learned counsel for the petitioner further submits that several

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representations were made by the petitioner, however, no record to that effect is produced.

3. Be that as it may, the petition deserves to be dismissed on two grounds. Firstly, the appointment of the petitioner was temporary in nature and it was for a period of one academic session only. Secondly, the petition cannot be entertained after such a long inordinate delay in raising the issue. The petitioner had explained the delay, not on any other ground, except that the petitioner has made several representations.

4. The Constitutional Bench of the Supreme Court in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others**[1] held that daily wager, ad hoc, temporary, contract employees appointed/recruited de-hors the constitutional scheme or not in accordance with rules and other statutory provisions, have no right to continuation/absorption or regularization in the service. It was later on followed by the Supreme Court in several decisions. Some of them are **Accounts Officer (A&I) A.P. SRTC and Others Vs. P. Chandra Sekhara Rao and Others**[2], **Surinder Prasad Tiwari Vs. U.P. Rajya Krishi Utpadan Mandi Parishad and Others**[3].

5. On the question of delay, it is well settled principle of law in view of the decisions of the Supreme Court in the cases of

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Jagdish Narain Maltiar Vs. The State of Bihar and others[4], P.S. Sadasivaswami Vs. State of Tamil Nadu[5] and Karnataka Power Corporation Ltd & Anr. Vs. V. K. Thangappan & Anr.[6] that repeated representations cannot justify a belated approach to the Courts. Entertaining belated approach would unsettle the settled matters, and the same should be avoided.

6. Looking from all angles, this petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu

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1. {(2006) 4 SCC 1}
2 {(2006) 7 SCC 488}
3 {(2006) 7 SCC 684}
4 AIR 1995 SC 455
5 AIR 2000 SC 1650
6 AIR 2000 SC 85